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Examiner

File No. Cr. A. Bel. /4

Legal DEPARTMENT

A BRANCH

Subject :—

Criminal Appeals in the High Court, Bombay against the Orders of acquittals - Belgaum District

F 3 (E)

File No. Cr. A. Bel. /41

Stg. Sectt. slip 24-5

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Judgment recorded by the High Court in Criminal -- Revision Application No.330 of 1941 (By the Government of the Province of Bombay) in the case of Imperator versus Mahadeo Balappa Shivapurdawar.

Mr. B.G.Rao, Assistant Government Pleader, for the Government of the Province of Bombay.

Mr. N.M.Hungund, Advocate (appointed) for the Accuse

(Coram : Broomfield and Wassoodew, JJ.)

24th September 1941.

Oral Judgment (Per Broomfield, J.) :

This is an application by the Government of Bombay asking that the sentence on the opponent Mahadeo Balappa should be enhanced. He has been convicted of cutting off his wife's nose and sentenced under section 326 of the Indian Penal Code to rigorous imprisonment for four months and a fine of Rs.10/-. His story was that he woke up at night and found that his wife had disappeared and he suspected that she had left for an immoral purpose. So he followed her and caught her and cut off her nose with an axe.

It would appear from the observations in the judgment of the learned Magistrate that he considered that the offence was not one which involved moral turpitude at all. From that point of view we emphatically dissent, and this High Court has pointed out over and over again that these nose-cutting offences in which a woman is commonly disfigured for life must be severely punished. I need only refer to the latest of

the cases Emperor vs. Ismail Umar, 40 Bom.L.R. 832.

The learned Advocate who appears for the accused has suggested that there are extenuating circumstances, but the accused's story that his wife had left the house for an immoral purpose does not appear to have been proved in any way. To cut off his wife's nose with a weapon like an axe is a circumstance of exceptional brutality, and, although that may not be a ground affecting the sentence to be -- imposed, it may be mentioned that she appears to have gone straight off and committed suicide by throwing herself into a well. The fact that the accused has nearly completed the sentence imposed by the Magistrate is irrelevant, because, in accordance with the principles which we have constantly laid down, that sentence was entirely inadequate.

We enhance the sentence of four months to one of two years rigorous imprisonment. The accused must be taken back to jail to complete the sentence.

By the Court,
Sd. K.A.Athalye.
Deputy Registrar.

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Judgment recorded by the High Court in Criminal Application for Revision No. 392 of 1941 (By the Government of the Province of Bombay) in the case of Imperator vs. Irappa Ningappa Ajjanavar.

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Mr. R.A.Jahagirdar, Government Pleader, for the Government of the Province of Bombay.

Mr. V.H.Gumaste,Advocate (appointed) for the Accused.

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18th November 1941.

(Coram: Beaumont, C.J. and Wadia, J.)

Oral Judgment (Per Beaumont, C.J.) :

This is an application by Government asking us to enhance the sentence of four months rigorous imprisonment passed on the accused for biting off the tip of the -- complainant's nose. The complainant was not the wife of the accused but was his mistress; so she was free to leave him if she chose. It was monstrous on the part of the accused to punish her in this way. The sentence of four months rigorous imprisonment is quite inadequate, and we enhance it to two years rigorous imprisonment.

By the Court,
Sd. M.G.Rao .
Deputy Registrar.

HVK